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February 19, 2020

District Judge Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: 1:19-cv-10686-KPF  
Cosgrove v. Oregon Chai, Inc.

Dear District Judge Failla:

This office represents the plaintiff. As instructed by Your Honor's Clerk earlier today, plaintiff respectfully requests that leave of court be granted to allow plaintiff to correct the deficiencies described in the attached notice. On February 18, 2020, plaintiff timely filed the first amended complaint and today received a deficiency notice informing this office of a clerical error – specifically, that the pleading was titled “Class Action Complaint” instead of “Amended Complaint.” ECF No. 16, 16-1.

The undersigned was instructed to seek leave of court or consent of opposing counsel prior to filing a correctly titled amended complaint. Plaintiff promptly requested defendant’s consent and there is no reason to expect consent will not be forthcoming. Plaintiff requests leave of Court to accept plaintiff’s correctly titled “Amended Complaint” as timely filed and deem the deficiency arising from the clerical error described herein to be cured. Plaintiff will correct the deficiency upon being notified of the earlier of either defendant’s consent or the Court’s leave. Thank you.

Respectfully submitted,

/s/Spencer Sheehan  
Spencer Sheehan

Application GRANTED.

Dated: February 19, 2020  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE